IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

Crl.MC.No. 1251 of 2007()

CRIME NO.142/07 OF THRIKKAKARA POLICE STATION.

PETITIONERS:

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1. V.K. SULAIMAN, S/O. KOCHUMUHAMMED,
   VETTEKKATTU HOUSE, EDACHIRA, THENGODE (P.O),
   KAKKANADU.

2. BACKER, S/O. KOCHUMUHAMMED,
   VETTEKKATTU HOUSE, EDACHIRA, THENGODE (P.O),
   KAKKANADU.

3. E.C. ALI, S/O.SHAHUL HAMEED @ CHAVU,
   EDACHIRACKAL HOUSE, EDACHIRA, THENGODE (P.O),
   KAKKANADU.

4. BACKER, S/O.MUHAMMED @ MUHAMMED KUNJU,
   EDACHIRAKAL HOUSE, EDACHIRA, THENGODE (P.O),
   KAKKANADU.

5. ASHKAR, S/O. BACKER,
   EDACHIRAKAL HOUSE, EDACHIRA, THENGODE (P.O)
   KAKKANADU.

6. M.M. SHIJAN, S/O. KOCHUMUHAMMED,
   MURIYANKARA HOUSE, EDACHIRA, THENGODE (P.O),
   KAKKANADU.

7. M.M. SHIFAN, S/O. KOCHUMUHAMMED,
   MURIYANKARA HOUSE, EDATHIRA, THENGODE (P.O),
   KAKKANADU.

8. M.M. SHIHAB, S/O. KOCHUMUHAMMED,
   MUKRIYANKARA HOUSE, EDACHIRA, THENGODE (P.O),
   KAKKANADU.

9. NOUSHAD, S/O. ALIYAR,
   EDACHIRACKAL HOUSE, EDACHIRA, THENGODE (P.O),
   KAKKANADU.

10. NISSAR, S/O. CHAVU,
AKAMPURATH HOUSE, EDACHIRA, THENGODE (P.O),
KAKKANADU.

11. AMEER, S/O. BEERANKUTTY,
EDACHIRACKAL HOUSE, EDACHIRA, THENGODE (P.O),
KAKKANADU.

12. NISSAR @ KUNJUMON, S/O. BEERANKUTTY,
EDACHIRA, THENGODE (P.O), KAKKANADU.

BY ADV. SRI.C.K.ABDUL RAHIM

RESPONDENTS:
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1. THE SUB INSPECTOR,
THRIKKAKARA POLICE STATION, KAKKANADU,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. AMMINI KUNJAN, W/O. KUNJAN,
AGED 55 YEARS, AAKKIKUDIYIL HOUSE, EDACHIRA,
THENGODE (P.O), KAKKANADU.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 05/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 1251 OF 2007

Dated this the 5th day of June, 2007

ORDER

The petitioners are aggrieved by the registration of Crime No.142/07 of the Thrikkakara police, inter alia, under Sec.3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Attrocities) Act.

2. The learned Public Prosecutor, after taking instructions, submits that it may not be necessary to consider the invocation of the powers under Sec.482 of the Cr.P.C. to quash the said F.I.R. now as the investigation conducted by the Deputy Superintendent of Police reveals that the allegation under Sec.3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Attrocities) Act is not maintainable and the case is liable to be referred. So far as the other offences alleged are concerned, investigation is pending in Crime No.131/07 and appropriate final report shall be made in that

crime.

3. In these circumstances, I agree with the learned Public Prosecutor that it is not necessary to issue any further directions in the matter. The learned counsel for the petitioners also does not raise objections to such course. No other contentions are raised.

4. This Crl.M.C. is, in these circumstances, dismissed accepting the submission of the learned Public Prosecutor that in Crime No.142/07 a decision has been taken to make a reference of the allegation raised under the Scheduled Castes and Scheduled Tribes (Prevention of Attrocities) Act.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge